

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

| | | |
|------------------------------|---|------------------------|
| TYSHON MALEKE HARMON, |) | No. C 10-4053 LHK (PR) |
| |) | |
| Plaintiff, |) | ORDER DENYING |
| |) | PLAINTIFF'S MOTION TO |
| v. |) | COMPEL DISCOVERY |
| |) | |
| DOCTOR RICHARD MACK, et al., |) | (Docket No. 51) |
| |) | |
| Defendants. |) | |
| |) | |

Plaintiff, a state prisoner, filed the instant *pro se* prisoner complaint under 42 U.S.C. § 1983. Before the Court is Plaintiff's motion to compel discovery. The Court may grant a motion to compel discovery only after Plaintiff satisfies the "meet and confer" requirements of the discovery rules. *See* Fed. R. Civ. P. 37(a)(2)(A) (providing that a motion to compel must include certification that movant has in good faith conferred and attempted to confer with non-disclosing party in effort to secure disclosure without court action); N.D. Cal. Civ. R. 37-1 (same). Because Plaintiff is detained, however, he is not required to meet and confer with Defendants in person. Rather, if his discovery requests are denied, and he intends to seek a motion to compel, he must send a letter to Defendants to that effect, offering them one last opportunity to provide him with the sought-after information. Here, Plaintiff has not filed the requisite certification showing that he has met and conferred with Defendants about their non-disclosure. Plaintiff's to compel will be DENIED without prejudice as premature.

IT IS SO ORDERED.

DATED: 7/1/11


LUCY H. KOH
United States District Judge